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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 636/2002

This the 21st day of April, 2003

HON'BLE SH. KULDIP SINGH, MEMBER (J)

Sh. Amit Kumar
son of late Sh. Rajender Nath
Ex-Assistant Binder,
Government of India Press, Minto Road,
Residing at 193-L, Aram Bagh,
New Delhi.

(By Advocate: Sh. B.Krishan)

Versus

1. Union of India through the
Director of Printing,
Directorate of Printing,
11nd Floor, B Wing,
Nirman Bhavan,
New Delhi-110011.
2. The Manager,
Government of India Press,
Minto Road,
New Delhi-110001.

(By Advocate: Ms. Rinchen Ogmnu Bhutia)

ORDER (ORAL)

Applicant has sought compassionate appointment and he has assailed order Annexure A-1, A-2 and A-3 vide which his request for grant of compassionate appointment has been rejected.

2. Facts which are not in dispute are that applicant's father Sh. Rajender Nath has died in harness on 24.1.2000. Immediately thereafter the applicant made an application for grant of compassionate appointment. However, his request was turned down vide impugned orders Annexure A-1, A-2 & A-3 dated 8.10.2001, 2.2.2001 & 22.9.2001 respectively. All the impugned orders in verbatim show that the request of the applicant has been examined and since the family of late Sh. Rajender Nath has received about sum of Rs.3,09,095/- as terminal benefits and is also in receipt of family pension of



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Rs.1863/- +DA every month and number of dependents is only three and the son is also major and cannot be considered a dependent on the widow of the late Sh. Rajendra Nath. Keeping in view all these circumstances, the request of the applicant had been rejected.

3. Assailing the same, the applicant has submitted that this rejection of his request is arbitrary and baseless and the ground of compassionate appointment has not been considered in the right perspective. Rejection of the request on the ground of receipt of terminal benefits cannot be a good ground for rejection of the request.

4. Respondents are contesting the OA. Respondents in their reply submitted that compassionate appointment cannot be claimed as a right and in the case of the applicant his request was duly considered on merits and the Compassionate Appointment Committee found that family of the deceased has received the terminal benefits and are in receipt of monthly family pension which is above the figure of Rs.1767/- provided by the Planning Commission as monthly income level for a family 5 members below which only a family can be considered to fall below poverty line. Besides the number of dependents of the deceased employee is only 3 out of which, the son, i.e., applicant is already +21 years, hence a major and he should be able to find a job for himself, without depending on widow of the deceased Govt. employee.

5. I have heard the learned counsel for the parties and also gone through the record.

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6. Counsel for applicant has referred to a judgment reported in AIR 2000 SCC (L&S) 767 Balbir Kaur and another vs. Steel Authority of India Ltd. and others. Replying upon this judgment counsel for applicant has submitted that the receipt of terminal benefits cannot be the ground to reject the request of compassionate appointment.

7. Counsel for applicant has also referred to another judgment of Calcutta Bench of the CAT in OA-190/2001 reported in 2001 (3) ATJ 607 wherein I have observed that the request of the compassionate appointment of the applicant has been turned down on the ground that applicant is financially strong and has two major sons. Both the sons are unemployed. Nothing to show that applicant has immovable property. Pension and other benefits given to family cannot be a ground to deny such an appointment. OA was allowed and directions were given to consider the case of applicant No.2 for appointment on compassionate grounds.

8. Since in this case also I find that the order rejecting the request for compassionate appointment is merely based on the fact that the applicant has received terminal benefits and is also in receipt of the family pension. Since it has already been held that pension and other benefits cannot be a ground to deny compassionate appointment, I have no reason to differ from the judgment of the Calcutta Bench and Hon'ble Supreme Court. Learned counsel for respondents has pointed out that there is already a long waiting list who are awaiting appointment on compassionate ground.

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9. In view of the same, I think this OA can be allowed with the directions to the respondents to consider the case of the applicant for grant of compassionate appointment without taking into consideration pension and other terminal benefits given to the family in his turn in accordance with rules and instructions on the subject. Impugned order is quashed and respondents are directed to consider his case for appointment as per seniority. No costs.


(KULDIP SINGH)
Member (J)

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